

Amendment
Application No. 10/527,694
Attorney Docket No. 052203

REMARKS

(1) Claims 4, 6, 7 and 11-13 are pending in this application, of which claims 4, 6, 7 and 11 have been amended, and claims 12 and 13 have been added.

(2) Claims 1, 4, 6, 7 and 10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particular point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner states that the recitation of the term “derivative” renders the claims indefinite. The claims have been amended. Reconsideration of the rejection is respectfully requested.

(3) Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Milewska et al.

Claim 1 has been cancelled. The rejection has been made moot.

(4) Claims 1 and 4-7 were rejected under 35 U.S.C. §102(b) as being anticipated by Nagura et al.

Claim 1 has been cancelled. The rejection on claim 1 has been made moot.

Claim 4 has been amended to recite that “the biological low-molecular-weight compound is obtained by modifying at least one carboxyl group of malic acid, oxalacetic acid, citric acid, or *cis*-aconitic acid with N-hydroxysuccinimide or N-hydroxysulfosuccinimide.” The amendment is supported by original claims 1 and 3. Nagura et al. do not disclose or suggest modifying malic acid, oxalacetic acid, citric acid, or *cis*-aconitic acid with N-hydroxysuccinimide or N-hydroxysulfosuccinimide. Thus, amended claim 4 is not anticipated by Nagura et al. Reconsideration of the rejection is respectfully requested.

(5) Claims 4-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nagura et al., and further in view of Rhee et al.

Nagura et al. do not disclose or suggest modifying malic acid, oxalacetic acid, citric acid, or *cis*-aconitic acid with N-hydroxysuccinimide or N-hydroxysulfosuccinimide. Rhee et al. do not teach these features as well. Thus, even a combination of the references does not make the invention. Reconsideration of the rejection is respectfully requested.

(6) Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nagura et al., and further in view of Rhee et al. and DeLuca et al.

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The same arguments as explained in Section (5) *supra* apply to this rejection. In addition, DeLuca et al. do not teach or suggest modifying malic acid, oxalacetic acid, citric acid, or *cis*-aconitic acid with N-hydroxysuccinimide or N-hydroxysulfosuccinimide. Thus, even a combination of the references does not make the invention. Reconsideration of the rejection is respectfully requested.

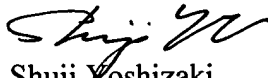
(7) Claims 12 and 13 have been newly added. Claim 12 is supported at page 14, lines 1-5, and claim 13 is supported at page 14, lines 5-8. These features are not disclosed by the references.

(8) In view of the above, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date. If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Attachment: Limited Recognition




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